

The Tales of Barangay Officials in Resolving Community Disputes

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ABSTRACT

Katarungang Pambarangay or barangay justice system is a community-based dispute settlement mechanism that is administered by the basic political unit of the country, the barangay. This system can improve the quality of domestic justice; it would reduce the number of indiscriminate filings of cases before the courts and reduce the number of cases filed there to the courts. The study explored the tales of the barangay officials in resolving community disputes in the urbanized barangays. The participants were selected through a snowball and purposive sampling. It based on the inclusion criteria: 1) Residing on working in the barangay 2) Member of the lupon tagapamayapa 3) Voluntarily participated and signed the informed consent. The selected participants were asked about their experiences in resolving community disputes in the interview. Based on the responses four emergent themes were developed namely: 1) Preservation relationship 2) Faster resolution of problems 3) Economically beneficial 4) Practical agreement. As a result, the researchers concluded that the data gathered from the survey questionnaire and the exclusive interview as a supplement and secondary source for the study implied a clear indication that members of the barangay and lupon tagapamayapa are doing their best in the discharge of their mandated powers and functions to fully serve the interest of their settlement in dealing with the resolution disputes of its experience constituents relatively with the segregation. Based on the findings and conclusions drawn from the study, the researchers would like to recommend that barangay officials have a positive mindset to settle barangays well and administer justice properly. Although it is difficult to contain their opponents' temper, barangay officials are focused on resolving their differences and reaching a negotiated agreement that works for all parties involved and has been successful, success in reaching a peaceful resolution without going to court.

Keywords: *Barangay, Community, Disputes, Officials, Settlement.*

Introduction

Republic Act No. 9285 or the Alternative Dispute Resolution Act of 2004 enacted by the Philippine Congress is the declared policy of the State to actively promote party autonomy in the resolution of disputes or the freedom of the parties to make their own arrangements to resolve their disputes (Sidiq & Hariyanto, 2019). It empowers the barangays to maintain peace and order and supports the effective enforcement of human rights and justice (Habiatan, 2019).

Currently, all of us are facing a worldwide outbreak of COVID19 pandemic disease which affects all government agencies and have a great contribution to helping each other overcome this infectious disease even Barangay has its own way of dealing with this kind of problem (Torneo et al., 2020). Katarungan pambarangay is an instrumental mechanism for building rural peace in a community; it was established as a means to notify courts of cases filed there. It is also a centuries-old tradition of resolving disputes between family and barangay members amicably at the barangay level without resorting to judicial resources (Guia & Mangubat, 2021).

Conflicts are resolved when destructive behavior is reduced and hostile attitudes are reduced. Therefore, dispute management can be directed towards dispute resolution. Alternatively, you can turn to achieve more complex but lasting consequences of dispute resolution (Bercovitch, 2019). Disputes among communities are necessarily part of human conditions. The court's role was to settle disputes concerning the two opposing parties' rights and interests, suitability, and judgment. Yet, in most countries worldwide, the court system has become overpopulated in the twentieth century, especially in civil litigation or civil law issues (Acabo, 2021). This correctional system occurs within a setting known as the barangay. It reflects a formal recognition of historical dispute resolution and

socialization practices in the Philippines by requiring that minor disputes and criminal offenses be “amicably settled” by the barangay leader, or captain, without the presence of lawyers (Sotto, 2021). The katarungang pambarangay system benefits the parties by allowing them to come to their own accord to resolve their dispute in Barangay without having to go to court (Lim, 2019). The expanded judicial body in punong barangay mainly promotes the speedy resolution of cases; however, this power is also extended to members of lupon tagapamayapa to adhere to more informed decisions. This system can improve the quality of domestic justice; it would reduce the number of indiscriminate filings of cases before the courts and reduce the number of cases filed there to the courts (Benter, 2020).

A better procedure for peaceful dispute resolution in the community through the barangay justice system is a breakthrough in the provision of judicial services in the community (Pagandian & Pasule, 2019). People who have handled cases in the past have indicated that they are not interested in submitting the records or documents of the case process and resolution. However, these people, in particular the barangay officials, after attending courses in the barangay justice system training realized the shortcomings and be aware of this shortcoming (Guia, & Mangubat, 2021).

Apparently, because of the knowledge gained from the training courses they attended, they started to build their own documentation system and furthermore maintain the record-keeping and filing system for proper record-keeping purposes (Antonio, 2020). The project has also attracted more interest and support not only from barangay officials but especially from residents of a community after learning that the BJS project does not intend to change existing traditional practices and dispute resolution standards in the community in fact, the goal is to strengthen them (Lim, 2019). Moreover, the project poses a greater challenge for the barangay officials to further research and become familiar with their respective functions as elected officials to promote more effective governance at the local level (Cruz, Frontuna & Tus, 2021).

The effectiveness of barangay officials in conciliation process as a practical way of delivering justice in barangay the effectiveness of barangay officials in conciliation process as a practical way of delivering justice in barangay (Agustin, Cruz, Medrano, & Sinco, 2018). To resolve disputes as an underlying unit of authority and how the dispute resolution procedure enables both parties to conciliate a dispute resolution and resolve the dispute peacefully out of court by the parties involved rather than through the highly technical strategy of filing petitions and presenting evidence in court (Barangay Justice System (BJS) in the Philippines, which is a community mediation programme, whose overarching objective is to deliver speedy, cost-efficient and quality justice through non-adversarial processes (Mohammed & Caingat, 2017). Members of the lupon must enhance their paralegal training and skills to make them more effective in settling the disputes and update themselves with laws promulgated and implemented (Sobradil, 2019).

The result of the study implied a clear indication that the members of the barangay justice are trying their very best in the discharge of their mandated powers and functions to fully serve the interest of their constituents (Benter, 2020). The researchers aim to find out the different aspects of responsibility in their level of readiness to fulfill their duties on how the role of each member of barangay officials effectively mediates disputes that affect the rights and interests of the parties involved in dispute resolution the research method used in conducting an in-depth interview

or on a phone call with the barangay officials and its constituent of barangay Aguada, Tinago and Carmen Annex, Ozamiz City (Porio & Roque-Sarmiento, 2019).

Methods and Materials

The undertaking utilized the qualitative type of research, specifically the phenomenological approach. It is the process of analyzing the responses from the participants of the study to determine the appropriate themes following Moustakas' transcendental phenomenology (Moustakas, 1994). This research design is suited to exploring tales of barangay officials in resolving community disputes in Ozamiz city. The study was conducted in Ozamiz City which is a 3rd class component city in the province of Misamis Occidental Northern Mindanao Philippines. The participants were selected through snowball and purposive sampling. It is based on the inclusion criteria: 1) Residing on Working in the Barangay 2) Member of the Lupon Tagamapayapa 3) Voluntarily participated and signed the informed consent. The study used the researcher-made interview guide questions. The instrument contained questions that may unfold the tale experiences of barangay officials in resolving community disputes in the barangay. The instrument is composed of opening questions, core questions, and closing questions to extract the necessary data from the participants.

Results and Discussions

Themes are derived from the responses of the participant of the study after conducting an interview with the proponent. The study identified four (4) appropriate themes identified such as (1) Preservation relationship, (2) faster resolution of problems, (3) economically beneficial, (4) Practical agreement.

Preservation relationship

Any conflicts that arise can lead to bad relations between the two parties. Through katarungan pambarangay (Barangay Justice System), it helps both parties to a conflict focus on effectively resolving their differences and reaching a bargaining agreement that works for all parties involved (Guia & Mangubat, 2021). Most of the respondents of the study experienced applying preservation relationships Since the barangays are the smallest political unit in the country and are primarily based on kinship ties, it is important to amicably settle any disputes among their members to guarantee the preservation of their relationships (Rojo, 2020). They tend to do so for the reason relationships are the source of individual humanity, it needs to be acknowledged the issues of imbalances of power and equality in relationships to the legal institution to maintain and preserve the relationship of individuals (Bagshaw & Stud, 2017).

These are the revealed answers of the participants:

In settling disputes, we apply the words of God because at the same time it serves as a guide for us to overcome any obstacle, we face in dealing to settle their conflict (R1).

As a member of the Lupon Tagapamayapa in our Barangay it is our task to preserve the relationship of the people involved in this dispute to prevent further conflict from both parties. Because if this will not be settled this will lead the opposing party to threaten the other party which might be the reason for them to commit a crime (R2).

As a part of counsel, we have a hard time of solution especially their anger prevails, but we still settling down their anger so that we can protect their relationship (R3).

“We talk to them carefully and calmly so that the situation is less chaotic and we share a little bit word of God so they will be enlightened and they may be reconciled” (R4).

“As a counselor, I want them to settle the issue in our office and make correspondence to avoid misunderstandings and settle their issue” (R5).

“You should get along sincerely and forgive each other and not instill anger God knows how to forgive i hope us also” (R6).

“By telling them we are just human that could commit sin so let us learn to forgive and settle this situation for the best of both parties” (R7).

“We tell them some word of God to touch their heart and settle the situation for them to sense their debt of gratitude on what the other party does to them” (R8).

“Why we need to make it big if we can settle this out, am I right? God embrace us, so we just need to understand one another” (R9).

“I did not indulge in a misunderstanding in our barangay for the reason that we are just one community and each of us will just meet on the road” (R10).

The barangay officials promote fair and just relationships by providing speedy and fair resolution of construction disputes outside of court so as to encourage and preserve harmony and friendly association (Rojo, 2019). The amicable atmosphere leading to a final compromise ensures that goodwill between the parties is preserved at all costs and personal animosities in the aftermath of a legal battle (Disini, 2020).

The result implied that the counsels cautiously administered both parties to preserve the relationship that they build and prevent further conflict and threats, counsels impart some God words to touch the hearts of both parties and hoped for calm agreement to understand the situation and settle the problem without any grudges that they have to one another.

Faster Resolution of Problem

Through the Katarungan Pambarangay (Barangay Justice System) there is a faster resolution to a problem. Not like in a litigated case in courts that takes years to be resolved. Through the Katarungan Pambarangay cases brought to them are often resolved in a few months (sometimes less) because mediation is an inherently efficient process. And the Katarungan Pambarangay also helped in decongesting court cases because conflicts between both parties are already resolved at the barangay level, with several advantages over a lawsuit. The conflicting parties to the dispute tend to be easily reconciled to keep their blood ties from being broken for the sake of peace and order in the community (Ragandang, 2018).

These were revealed the answers of the respondents:

“In disputes that we resolve by explaining and listening to their respective complaints so that they do not reach the court yet and we settle the case” (R1).

“The way we handle the conflict between two parties involved is to explain to them what will happen if we take the problem to court and we will be compassionate and quick to apply negotiation of both parties” (R2).

“We handle conflict gossip and part of the land we want our parties to slowly and understand the argument between their conflicts” (R3).

“We lower our pride in order to give them the solution and fix the conflict even if there is a time when we can no longer solve, we always find a way that we can settle down the problem” (R4).

“Our experiences about solving conflict between parties the anger of the same party is mainly and also about the land property and debts” (R5).

“Here in our office if the two parties are still angry with each other and we can't lower their temper we will just summon them to the second hearing so that they will listen to us and when other party is speaking” (R6).

“I will just tell them first to one at a time when one party is speaking, please listen and wait for your turn to make the situation clear and we can understand each parties point of view” (R7).

“Our way of counseling is easy, we just need them to speak one at a time and understand the problem, so we can settle it (R8).

“There are some cases that it is difficult to handle one's emotions, and it's part of our job in counsel to understand and settle the issue, we tell them if the problem is not so big just settle this out because if we sign to make an action it's too waste of time for a minor issue there are so many major cases that they need to prioritize (R9).

“I just tell them if the issue is minor just make a documentation in the barangay and settle this problem to avoid hassle if this case goes too far” (R10).

It was established with the goal of providing a friendly, low-cost, and quick means of resolving conflicts by the parties agreeing to adhere to the terms and conditions decided by and with them without resorting to the courts. Unless the law specifies differently, this system of amicable settlement applies to all instances. Conciliation proceedings must be thoughtful, private, and personal; it is an interest-based process. In some circumstances, having this procedure is a condition precedent, meaning that the court will not hear the case if the barangay conciliation procedure has not been completed (Agustin, 2020).

The results implied that to avoid misunderstanding in the arguments of both parties the counsels give chance to each the party a time to speak for them to understand and to settle the problem. Counsels could not guarantee the temper of both parties but they can reschedule the settlement to another day. Thus, both parties respect the counsels and the barangay. Counsels tried their best to put an end to the arguments of the involving parties in the dispute to lessen the work of the court and to have a peaceful community area.

Economically Beneficial

Filing cases in courts are generally very expensive and the overall costs can be highly unpredictable. Settling disputes at the barangay level through the Katarungan Pambarangay (Barangay Justice System), makes it faster and much cheaper than going to trial. Enhancing the amicably settling disputes among family and barangay members at the barangay level is advantageous to alleviating court activities (Guia & Mangubat, 2021). The barangay officials since amicably settling disputes among family and barangay members at the barangay level is advantageous to alleviate court activities and it saves an amount of money for the indigenous individuals in settling their issues in the

barangay. It saves an amount of money for the indigenous individuals in settling their issues in the barangay (Tehupeiory & Naibaho, 2020).

These were revealed the answers of the respondents:

“As one of the members in settling disputes in our barangay we make sure that the both parties involved should follow the rules and regulation in order that if they have any complaints or needs, they acquire it easily (R1).

“Through our members as one of the persons who handle this situation and issues related the conflict of both parties it helps our community to minimize the area of crime in relation to meditate the conflict itself (R2).

“The way we do it to help and solve the problem is already our pleasure and impacts our community to minimize crime becoming a court problem” (R3).

“In our part as the member of Barangay officials in dealing with Community disputes, we have done priority to the problem to be solved instead of going to court” (R4).

“Our Barangay has a lot of conflict problems that we handle. One of our priorities is to solve and give the very best to give their want and deserve” (R5).

“Here in the barangay, you can save a lot without having to spend a lot” (R6).

“You don’t need to have a large amount of money to solve your problem with a written agreement of a legal counsel because in barangay we do our best to settle the problem” (R7).

“Less cost and speedy disposition of cases are two other advantages of settling disputes at the barangay level, elevating disputes to higher courts implies the payment of multiple appearance fees and extra expenses for transportation for both parties and their witnesses” (R8).

“Even if the cost is small at the barangay level, they will still be satisfied to settle their dispute, rather than go to court with long delays and more expenses to be cost” (R9).

“In the barangay we don't need to spent a lot for the reason that barangay is close and it's easy to get to, unlike the court which is far away and there are a lot of expenses, so if the complainant had a minor issue I just persuade the complainant that it's better to settle the problem in barangay and have an amicable agreement (R10).

The Barangay Officials amicably resolve disputes among family and barangay members at the barangay level reducing court activities and saving money for indigenous peoples in resolving their issues in the barangay. By obliging minor disputes and criminal offenses to be amicably settled by the counselors in the barangay without the presence of lawyers, it reflects a formal recognition of historical dispute resolution and socialization practices in the Philippines. The Katarungang Pambarangay system benefits the parties by allowing them to resolve their dispute in Barangay on their own without having to go to court (Lim, 2019).

The result implied that the barangay counsels helped in relieving the burden cases of the court and facilitated progressive support to the disputants to come up and negotiate a settlement without grievance to each other. Moreover, the barangay council makes both parties understand the exhaust and time that will be consumed if the minor arguments of both parties undergo trials in court.

Practical Agreements

Since disputes between neighbors are settled in the Katarungan Pambarangay (Barangay Justice System), agreements between parties can be tailored to their needs. Practical agreement hinders or facilitates conflict resolution, which was different goals and degrees of compromise and frustration. With the personal, interpersonal, cultural, and structural changes in the community to improve the justice system in the barangays (Jumalon et al. 2018).

These were revealed the answers of the respondents:

“The best way we do is to talk to them separately and we ask each of them what they want, we give them advises so that they will enlighten and then we make an agreement for them to get along and trouble will not escalate” (R1).

“One of the things we do to resolve this conflict between two parties is through us and a good understanding. So that this problem can be found a good solution through a practical agreement” (R2).

“Not all the time we are doing this settling easy to fix for both parties we do it by agreement, one should give and take care of his / her requested agreement in order to schedule the payment of amount should be” (R3).

“As a member of Barangay counsel, we negotiate them by to talk slowly and understand the benefits so that we can get the two parties back together” (R4).

“One of the things we went through about this solution between the two parties is that if they can’t reach an agreement, they have to go to court, especially if a complainant doesn’t agree and they will undergo to court” (R5).

“To settle the issues of both parties we find agreement that they need to follow with some terms and conditions arranged by to diminish the possibility to bring the dispute to the court” (R6).

“We will provide a settlement document to help prevent further disputes from escalating (R7).

“Less cost and speedy disposition of cases are two other advantages of settling disputes at the barangay level, elevating disputes to higher courts implies the payment of multiple appearance fees and extra expenses for transportation for both parties and their witnesses” (R8).

“Even if the cost is small at the barangay level, they will still be satisfied to settle their dispute, rather than go to court with long delays and more expenses to be cost” (R9).

“In the barangay we don't need to spent a lot for the reason that barangay is close and it's easy to get to, unlike the court which is far away and there are a lot of expenses, so if the complainant had a minor issue, I just persuade the complainant that it's better to settle the problem in barangay and have an amicable agreement (R10).

The barangay officials and Lupon members are readily available and accommodating in offering the higher performance of their responsibilities in accordance with current legal regulations assuring that the parties subject to the conciliation process must be necessary and mandatory. Likewise, the Lupon Tagapamayapa and its Barangay officials are largely effective in carrying out their job of resolving disputes amicably (Habiatan, 2019).

The result implied that the barangay council hinders the possibility to bring the dispute to the court. if it seems that they can manage to take advice from both parties to settle their disputes in their own way of settlement by assimilating techniques that can facilitate communication and agreement among both parties.

The barangay conciliation system aims to improve family ties, speed up trials, and improve the quality of justice in the Philippines (Agustin, 2020). With the different Positive experiences of the barangay officials and pacification committee (lupon tagapamayapa) peaceful resolution of disputes between individuals and barangay members without going to court is a long-standing tradition in the Philippines and underlies Filipino culture (Lee, 2019). This law was created to believe in communal harmony, peace, and cooperation at the barangay level. This is also used as an option to reduce the thousands of lawsuits filed in the ordinary Philippine courts that are left unattended and seemingly inactive (Simons, 2021). The lack of judges and the inability of parties to the conflict to pay lucrative attorneys' fees are commonly cited reasons for the slowness of justice in the Philippine court system. Judicial authorities recognize the barangay court system that strengthening the basic structure will certainly have a positive effect on judicial management as it can help open up the loopholes of the courts. It is on this law that it formed an institution that will settle disputes at the barangay level (Kamatali, 2021). The purpose of a barangay justice is a peaceful and harmonious resolution of conflicts within the barangay instead of tedious and long proceedings in the courts. Local courts can initiate public information and education programs about the workings of the barangay system and provide continuing education opportunities for Lupon (council) and Pangkat (committee) officials (Killip, 2021).

Conclusion and Recommendation

Therefore the researchers conclude the data gathered from the survey questionnaire and the exclusive interview as a supplement and secondary source for the study, the study implied a clear indication that the members of the barangay and Lupon Tagapamayapa are trying their very best in the discharge of their mandated powers and functions to fully serve the interest of their settlement in dealing the resolution disputes of its experience constituents relatively with the settlement of disputes serving as rights and interests of both adversarial parties. This is thereby producing a harmony from the people through mediation conferences. However, there is still a need for improvement in the performance of roles and responsibilities on the part of the "Lupon and Pangkat," to fully give Effectiveness and best serve the interest of their constituents thru an effective mediation between the adversarial parties in the system.

Declarations

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Competing Interests Statement

The authors declare no competing financial, professional and personal interests.

Consent for publication

Authors declare that they consented for the publication of this research work.

Authors' Contributions

All authors equally contributed in data collection, research and paper drafting.

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